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REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of September 22, 2006.

Reconsideration of the Application is requested.

The Office Action

Claims 4-11, 14, 15, 17, 18, and, 20-31 remain in this application. Claims 1, 2, 3, 16, 19, and 32-34 have been cancelled.

Claims 5-11, 14-17, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Salgado (U.S. Patent No. 5,579,087) in view of Kageyama, et al. (U.S. Patent No. 5,625,757).

Claims 4, 18, 20, 22, 25, 26, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Salgado in view of Kageyama, and in further view of Newell Jr., et al. (U.S. Patent No. 6,249,666).

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Salgado in view of Kageyama, and further in view of Applicant's prior art.

Claims 24 and 27-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Salgado in view of Kageyama and in further view of Allen (U.S. Patent No. 6,549,299).

Claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Newell Jr. in view of Allen, and in further view of Kageyama.

Claim 34 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Krist, et al. (U.S. Patent No. 5,615,015).

The Examiner objects to claim 4 as containing an informality.

Claim 18 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Non-Art Related Issues

Claim 4 was objected to as containing an informality. The Applicant has amended the claim as the Examiner has suggested.

Claim 18 has been amended to more clearly indicate that while one finisher may be

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identified, there may be other, different finishers not yet identified. It is respectfully submitted that claim 18 no longer is indefinite under §112 paragraph 2.

Interview of October 30, 2006

The Applicant conducted a telephone interview with the Examiner and the Examiner's supervisor discussing the limitations of claim 20 and 27. The Examiner stated that he overextended the Newell, Jr. reference with respect to these limitations, and wished to perform additional searching. With a formal submission of an amendment that made the same arguments, the Applicant and the Examiner agreed that the Examiner would withdraw the finality of the rejection. This Amendment is responsive to that agreement.

The Claims Distinguish over the References of Record

Claim 20 calls for programming at least one finishing device in adaptation to the capability and constraint attributes of a second finishing device. Newell Jr. fails to teach this limitation. Newell Jr. shows only one machine; Newell Jr. shows a printer **100** with finishing capabilities. The printer **100** has a print engine **102**, multiple input devices **104**, **106**, and multiple output devices **108**, **110**, but it is still only a single entity. In contrast, the present application contemplates several devices working in concert to produce a document ordered by a user in the most efficient and expedient manner possible. The setup of the present application has the advantage of redundancy over Newell Jr. That is, if the controller senses that one of the finishing devices of the present application is unable to complete a task, it reprograms another finishing device to do the job in response to sensing the first finishing device's unavailability. Newell Jr. does not have such redundancy. If the printer **100** of Newell Jr. goes down, (paper jam, out of paper, out of staples, etc.) then the job has to be halted. In the present application, if one finishing device goes down, the job is rerouted to a finisher that is operational and can complete the task. In the present application, the job gets done.

Determining paths through the printer **100** (step **212** in Newell Jr.) does not reprogram one device in response to constraints of another device. It merely gives the controller **112** knowledge of possible paths through the printer **100**. Because the output devices **108**, **110**, the print engine **102** and the input devices **104**, **106** are embodied within

the same housing, their operation is dependant on operation of the printer 100 as a whole. If the printer 100 goes down, reprogramming either output device 108, 110 would be an exercise in futility as nothing would ever be fed to the output devices 108, 110. It is therefore respectfully submitted that claim 20 and claims 4-11, 14, 15, 17, 18, 21-26 and 31 dependent therefrom distinguish patentably and unobviously over the references of record.

Claim 27 calls for issuing commands to adjust performance conditions of at least one finishing device in response to a tracked condition of at least one other finishing machine. The combination of Salgado and Allen fails to teach this limitation. Claim 27 has been amended to stress that there are at least two finishers, the controller being able to respond to one's incapability of completing the job by changing instructions to another. Allen only contemplates a single, stand-alone finisher 16. Further, the finisher of Allen in the cited section is responding to its own conditions, not the conditions of another device. If the finisher 16 misfeeds a sheet (thereby effecting a non-compliant detection of mark 83), the finisher 16 stops the job and ejects all the sheets.

This literal difference is accompanied by a conceptual difference between the cited combination and the present application. The present application is responding to a potential problem by re-assigning workloads, in order to progress the job to completion. Allen responds to the potential problem by stopping the job and awaiting user intervention.

The advantage of this difference is clear; in the present application, if it is possible to finish the job, it will be finished. It is therefore respectfully submitted that claim 27 as well as claims 28-30 dependent therefrom now distinguish patentably and unobviously over the references of record.

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CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 4-11, 14, 15, 17, 18, and 20-31) are now in condition for allowance. It has been agreed that further searching will be performed and the finality of the present rejection will be withdrawn.

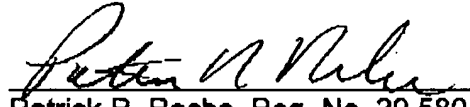
In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Patrick R. Roche, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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Date

10/30/06


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